HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 17th April, 2006
Bail Application No. 235 of 2006

Order on the bail application of the accused

CRIMINAL SIDE

Fahim
S/o Afsar Ali
R/o Village Lapur
Police Statin – Tanda
District – Rampur (U.P.) …Applicant

Versus

State of Uttaranchal … Opposite Party

In Case Crime No.3384 of 2005
U/s 364, 377, 302, 201 I.P.C.
Police Station - Kashipur
District – Udham Singh Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri Sudhir Singh-learned counsel for the applicant, learned AGA for the State and perused the record.

There was a *gumsudgi* report on 16.11.2005 regarding the missing of the deceased by his father. Thereafter, F.I.R. was lodged on 13.12.2005 alleging therein that Ram Bharose and brother of the complainant Gyan Masih saw the deceased going in the company of Mahboob and Fahim. Thereafter, he was not found alive. The body of the deceased was recovered at the pointing out of the co-accused Mahboob. It was further contended that the uncle of the deceased, Gyan Masih had stated to the police at the first time after one month that he saw the deceased in the company of Mahboob and the present applicant. It cannot be believed that the complainant would point out this fact after a lapse of one month. The statement of Ram Bharose was taken on 20.12.2005.

Considering the facts and circumstances of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicant, Fahim be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

Dated 17.04.2006 **(J.C.S. Rawat, J.)**
Shiv